WPMB No. 511 of 2001

Hon'ble A.A. Desai, C.J.
Hon'ble M.C. Jain, J.

The petitioner was a consumer of electric energy since 1990. Initially, as per agreement, he furnished security amount some time in 1990. The petitioner applied to the Electricity Board for reduction in the loan. Ultimately, on 5.10.1999 on his application electric supply was dis-connect-ed. By the impugned order, the respondent corporation is demanding from the petitioner to furnish the amount and minimum guarantee for a period of six months. After hearing learned counsel for the parties, for imposing minimum guarantee, it appears that the respondent Board resorted to section 17 of Electricity Supply (Consumers) Regulation, 1984. We have carefully gone throu the provision. The provision has no application particularly when the petitioner has completed initial guarantee period of two years. The demand of minimum guarantee for six months after dis-connection is, therefore, wholly without justification.

We have been reported that the petitioner has paid the entire electricity dues calculated upto the date of disconnection. The petitioner is, therefore, entitled to the security money as deposited at the time of initial electric connection.

We, therefore, direct the respondent Electricity Board to refund the said amount. We, however, clarify that in case any due towards the electricity consumption is outstanding against the petitioner, the same shall be adjusted against the amount deposited initially as guarantee. In view of this order, the impugned order is ser aside. The Board shall take action accordingly. At the request of the learned counsel for the Board three weeks time is granted to the Board for taking steps as per directions. The petition is accordingly allowed.

(A.A. Desai, C.J.) **(M.C. Jain, J.)**

Dt. 16.04.2001
A.